

Application ref: 2017/5523/P
Contact: Kate Henry
Tel: 020 7974 3794
Date: 18 July 2019

Development Management
Regeneration and Planning
London Borough of Camden
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D4P
Crown House
72 Hammersmith Road
London
W14 8TH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted Subject to a Section 106 Legal Agreement

Address:
40A Parkhill Road
London
NW3 2YP

Proposal:

Construction of basement below the main house and part of front garden and part of rear garden of the property; enlargement of front lightwell with associated grille and new skylight

Drawing Nos: AED000 Rev D; AED001 Rev C; AED002 Rev C; AED003 Rev C;
PD001 Rev F; PD002 Rev F; PD003 Rev E; PD004 Rev E; Basement Impact
Assessment (As amended, dated 27/03/2019)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: AED000 Rev D; AED001 Rev C; AED002 Rev C;

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment ref. J12924 (prepared by Southern Testing Laboratories Limited; as amended 27/03/2019) hereby approved, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2, A1 and A5 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission:

Planning permission is sought for the construction of a basement below the main house as well as part of the front and rear gardens. The proposal includes the enlargement of the existing front lightwell, including the installation of a grille above, and the installation of a skylight to the front of the building; and also the installation of a skylight to the rear of the building.

A Basement Impact Assessment (BIA) was submitted and independently audited by Campbell Reith who confirmed that the development would have minimal impact and that sufficient mitigation measures would be in place to prevent harm to the host property, surrounding properties or the local area.

The proposed basement complies with Policy A5 parts (a) to (e) of the Local Plan insofar as it would not cause harm to neighbouring properties; the structural, ground or water conditions of the area; the character and amenity of the area; the architectural character of the building; and the significance of heritage assets. The enlarged lightwell, the grille and the skylight would not detract from the character and appearance of the host building. Furthermore, due to their siting beyond the driveway, which is being retained, they are unlikely to be prominent features in the street scene along Parkhill Road and would preserve the character and appearance of the Parkhill Conservation Area. The host building is not listed. There are listed buildings to the rear of the application site; however, it is not considered that the proposal would affect their setting.

The proposed basement complies with the criteria set out in Policy A5 parts (f) to (k) and (m) insofar as it would not comprise more than one storey; would not be built under an existing basement; would not exceed 50% of each garden within the property; would be less than 1.5 times the footprint of the host building in area; would extend into the garden no further than 50% of the depth of the host building (measured from the principal rear elevation); would not extend into or underneath the garden further than 50% of the depth of the garden; and would avoid the loss of garden space or trees of townscape or amenity value.

The proposed basement would not be set back from neighbouring property boundaries where it extends beyond the footprint of the host building (criteria l); however, the extent to which the basement extends along the shared boundary with No. 38 is not considered significant (3.6 metres at the front and 3 metres at the rear) and it is not considered that the proposal would impact harmfully on water drainage or affect the ability to provide planting as the areas to the front and rear are already covered with hardstanding. Due to this and the specific site circumstances this aspect of the proposal is considered acceptable in this instance.

The proposal complies with Policy A5 parts (n) to (s) insofar as the proposal would not harm neighbouring properties (Campbell Reith have confirmed that a maximum of Category 1 (Very Slight) damage is predicted); would avoid adversely affecting drainage and run-off or causing other damage to the water environment; would avoid cumulative impacts; would not harm the amenity of neighbours; would provide satisfactory landscaping, including adequate soil depth (where applicable); and would not harm the appearance or setting of the property or the established character of the surrounding area. Parts (t) and (u) of Policy A5 are irrelevant to this application as the area is not in an area of archaeological interest and given the relatively small nature of the front and rear gardens of the host property, the gardens do not have the ability to support trees.

- 2 Neighbouring occupiers were consulted on the application. Objections have been received from 2 addresses prior to making this decision which have been duly taken into account prior to making this decision (please refer to the Consultation Summary uploaded on the Council's website). The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Due to the application site's location and the nature of the development, a Construction Management Plan (CMP) and monitoring fee (£3,136) (to cover the cost of work undertaken by officers in processing, monitoring and implementing the obligation) are secured by section 106 legal agreement to reduce the impact of demolition and construction works. The public highway directly adjacent to the site may also sustain damage as a direct result of the development and therefore a highways contribution (£4,159.58) is secured. The Council's Highways team also require an Approval in Principle (AiP) to ensure the basement would not damage the footpath and road. The AIP and assessment fee (£1,800) are secured by legal agreement.

A planning condition requires details of a suitably qualified engineer to oversee the basement works to be provided to the Council and a further condition requires that the works are carried out in accordance with the methodologies, recommendations and requirements outlined in the BIA (as amended).

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with Policies D1, D2, A1, A4, A5, T4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2019.

- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 6 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 7 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light blue rectangular background.

Daniel Pope
Chief Planning Officer